

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

BLUE SPIKE, LLC
Plaintiff,

v.

TEXAS INSTRUMENTS, INC.
Defendants

Civil Action No. 6:12-CV-499 MHS

LEAD CASE

BLUE SPIKE, LLC,
Plaintiff,

V.

AUDIBLE MAGIC CORPORATION,
FACEBOOK, INC., MYSPACE, LLC,
SPECIFIC MEDIA, LLC,
PHOTOBUCKET.COM, INC.,
DAILYMOTION, INC.,
DAILYMOTION S.A., SOUNDCLOUD,
INC., SOUNDCLOUD LTD., MYXER,
INC., QLIPSO, INC., QLIPSO MEDIA
NETWORKS LTD., YAP.TV, INC.,
GOMISO, INC., IMESH, INC.,
METACAFE, INC., BOODABEE
TECHNOLOGIES, INC., TUNECORE,
INC., ZEDGE HOLDINGS, INC.,
BRIGHTCOVE INC.,
COINCIDENT.TV, INC., ACCEDO
BROADBAND NORTH AMERICA,
INC., ACCEDO BROADBAND AB,
AND MEDIAFIRE, LLC

Defendants.

Civil Action No. 6:12-CV-576 MHS

CONSOLIDATED CASE

BLUE SPIKE, LLC,
Plaintiff,

v.

WIOFFER, LLC
Defendant.

Civil Action No. 6:12-CV-570 MHS

CONSOLIDATED CASE

**DECLARATION OF SUE PERNG LEE, ESQ. IN SUPPORT OF DEFENDANT
AUDIBLE MAGIC CORPORATION'S AND ITS CUSTOMERS' MOTION TO
TRANSFER VENUE TO THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF CALIFORNIA UNDER 28 U.S.C. § 1404(a)**

1. I am General Counsel at Harmonix Music Systems, Inc. ("Harmonix"). I have personal knowledge of the facts set forth in this declaration, or access to Harmonix's corporate information and records allowing me to confirm these facts. If called as a witness, I could testify competently to these facts under oath.

2. Harmonix is headquartered in Cambridge, Massachusetts.

3. Harmonix has no operations, employees, or property in Texas.

4. I understand that Harmonix is accused in the complaint in the above-referenced action based on Audible Magic's technology.

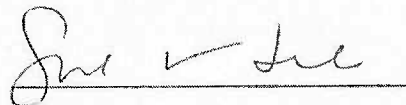
5. In April 2011, Harmonix entered into an agreement with Audible Magic, wherein Audible Magic agreed to provide its Content Identification Services to Harmonix. I understand that this technology is accused by Blue Spike in the instant action. The Content Identification Services provided to Harmonix have been, at all times, provided remotely by Audible Magic.

6. Harmonix has interacted with Audible Magic technical and business personnel in Los Gatos, California to obtain the agreement with Audible Magic.

7. Harmonix had no access to, and no ability to alter, Audible Magic's proprietary source code used to run Audible Magic's Content Identification Services.

I declare under penalty of perjury under the laws of the United States of America that the foregoing facts are true and correct based on my own personal knowledge.

Executed on May 6, 2013 in Cambridge, MA.

A handwritten signature in black ink, appearing to read "Sue Perng Lee", written over a horizontal line.

Sue Perng Lee